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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,734	08/21/2003	Masatsugu Takeuchi	2003_1115A	3851

513 7590 03/29/2004

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EXAMINER

SCOTT, JAMES R

ART UNIT PAPER NUMBER

2832

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/644,734

Applicant(s)

TAKEUCHI ET AL.

Examiner

James R Scott

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2003 and 18 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8.21.2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08212003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

The drawings filed on 8/21/2003 are approved and have been entered.

### ***Specification***

The disclosure is objected to because of the following informalities: On page 3, line 3 update the status of the publication if the status has changed. Any errors applicant may become aware of should be corrected.

Appropriate correction is required.

### **Claims**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1 it is not clear as to which arm is one half the length of the side case. The controlling unit is not necessarily mounted to the switch case. It is not clear if the arms are integrally joined or are separate components, which in either case, it is questioned how the arms are mounted with respect to the case.

The claims would appear allowable if claim 1 were amended to correct the ambiguities concerning the arm or arms and the length and also the relationship of the controlling unit and arms with respect to the switch case.

#### Cited References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kozuma and the Japanese patent document cited by applicant disclose joystick type switch arrangements. Note the enclosed form PTO-1449.

Elliott, Chou, Yokobori, Ishikawa et al, Kikuichi and Mimata disclose joystick type switch units having at least one switch assembly operated at a given time. Chou, Yokobori, Ishikawa et al, Kikuichi and Mimata disclose the additional use of a centrally located switch unit. Note the enclosed form PTO-892.

#### Statement of Allowability

The claims of record contain allowable subject matter related to the use of individual arms mounted to a switch case, each arm parallel to its switch case side with each of the switches being individually actuated dependent upon the controlling unit mounted with respect to the case and the position of the stick and the flange associated with each of the switches. The closest known prior art constitutes Elliott who places a cruciform spring biasing means 36 interposed between a stick and its flanges 44,46,48,50 and the upper part of the cruciform shaped movable contact 38 having a common contact portion at the center thereof noting center terminal 30 and four arms 38 which engage the respective fixed contacts 28 when the stick is tilted. Note figures 1-5.

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### Summary

Claims 1-10 are rejected; however, the claims would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R Scott who can be reached at **(571) 272-1999 after 2/03/2004**.

The examiner can normally be reached on weekdays from 1 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad, can be reached at **(571) 272-1990 after 2/03/2004**.

**Effective immediately, all patent application related correspondence transmitted by FAX to the USPTO must be directed to the central FAX number (703-872-9306).**

JRScott: jrs

3/17/2004

*JR Scott*  
J. R. Scott  
Primary Examiner  
GAC. 2832